

# The Protect-Democracy Project

May 22, 2017

Jennifer L. Hudson  
Director, Information Management Division  
Office of the Director of National Intelligence  
Washington, D.C. 20511  
[dni-foia@dni.gov](mailto:dni-foia@dni.gov)  
Fax: (703) 275-1299

Re: Freedom of Information Act request for communications regarding Russian interference with 2016 election

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Office of the Director of National Intelligence and the Executive Office of the President regarding contacts between individuals connected with the Russian government and individuals connected with the Trump campaign or the Trump administration, and/or Russian involvement with, or attempts to influence or interfere with, the national election of November 2016.
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- 3) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Office of the Director of National Intelligence and the House Permanent Select Committee on Intelligence (HPSCI) and/or the Senate Select Committee on Intelligence (SSCI), and/or Representative Devin Nunes, Representative Adam Schiff, Senator Richard Burr, Senator Mark Warner, and/or any other members or staff of HPSCI

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- or SSCI, regarding contacts between individuals connected with the Russian government and individuals connected with the Trump campaign or the Trump administration, and/or Russian involvement with, or attempts to influence or interfere with, the national election of November 2016.
- 4) All calendars, agendas, manifests, schedules, notes, lists of attendees, or other records reflecting or relating to meetings regarding contacts between individuals connected with the Russian government and individuals connected with the Trump campaign or the Trump administration, and/or Russian involvement with, or attempts to influence or interfere with, the national election of November 2016.

- 5) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for this request is July 1, 2016 through the date that searches are conducted for records responsive to this FOIA request.

#### FEE WAIVER

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a new organization awaiting 501(c)(3) status, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw

materials into distinct work, and distribute that work to an audience.” *Nat’s Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). We intend to give the public access to documents transmitted via FOIA on our website, [www.unitedtoprotectdemocracy.org](http://www.unitedtoprotectdemocracy.org), and to provide information about and analysis of those documents as appropriate.

### RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We ask that you search for records from all components of ODNI that may be reasonably likely to produce responsive results. We also ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-rom.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 599-0466 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin J. Berwick".

Ben Berwick  
Counsel  
The Protect Democracy Project

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC 20511

Mr. Ben Berwick  
The Protect Democracy Project  
2020 Pennsylvania Ave, NW #163  
Washington, DC 20006

DEC 20 2017

Reference: *The Protect Democracy Project v. ODNI*, 1:17-cv-01000-CKK; ODNI Case DF-2017-00283

Dear Mr. Berwick:

This is an interim response to your letter dated May 22, 2017 (Enclosure 1) received in the Information Management Division (IMD) of the Office of the Director of National Intelligence (ODNI) on May 23, 2017.

Your request, as narrowed by the parties' Joint Status Report dated October 25, 2017, is being processed under the FOIA (5 U.S.C. § 552). In accordance with the Court's Order dated December 4, 2017, ODNI has processed 400 potentially responsive documents and has enclosed one responsive record.

Enclosed you will find the one responsive record which has total of seven pages. (Enclosure 2). It is being released with redactions. The ODNI identified material requiring withholding pursuant to FOIA exemption (b)(3), which applies to information exempt from disclosure by statute. Specifically, the National Security Act of 1947, as amended, 50 U.S.C. § 3024 (i)(1), which protects intelligence sources and methods, prohibits against disclosure of the redacted information. We will continue to process the remaining documents pursuant to your FOIA request.

If you have any questions, your attorney may contact Anjali Motgi of the Department of Justice at (202) 305-0879.

Sincerely,

  
Sally A. Nicholson  
Chief FOIA  
Information Management Division

Enclosures

DF 2017-00283

MAY 23 2017

**The Protect-Democracy Project**

May 22, 2017

Jennifer L. Hudson  
Director, Information Management Division  
Office of the Director of National Intelligence  
Washington, D.C. 20511  
[dni-foia@dni.gov](mailto:dni-foia@dni.gov)  
Fax: (703) 275-1299

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Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin D. Berwick".

Ben Berwick  
Counsel  
The Protect Democracy Project

2020 Pennsylvania Avenue, NW, #163, Washington, DC 20006  
[ben.berwick@protectdemocracy.org](mailto:ben.berwick@protectdemocracy.org)

DF 2017-00283

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**From:** foia@protectdemocracy.org  
**Sent:** Monday, May 22, 2017 11:54 PM  
**To:** DNI-FOIA  
**Subject:** Freedom of Information Act Request  
**Attachments:** FOIA - ODNI .pdf

MAY 23 2017

To Whom It May Concern:

Please see the attached Freedom of Information Act request.

Sincerely,

Caroline McKay

The Protect Democracy Project

Edward (Ned) Price

Special Assistant to the President and Spokesperson

The National Security Council

eprice@nsc.eop.gov

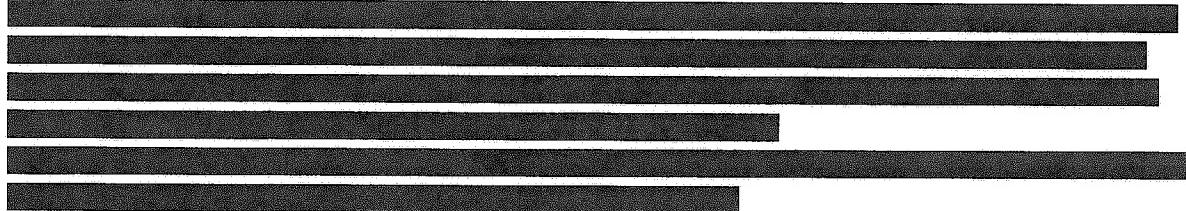
(202) 456-9279

From: Brian P. Hale <brian.hale@dni.gov>  
Sent: Wednesday, September 21, 2016 12:23 PM  
To: 'Stroh, Mark E. EOP/NSC'; DNI-Media  
Cc: 'Price, Ned C. EOP/NSC'  
Subject:[AIN] RE: DNI Clapper at Washington Post Event

\*\*\*\*\* This message has been archived. Double-Click the message to view the contents. \*\*\*\*\*

CLASSIFICATION: UNCLASSIFIED

(b)(3)



(b)(3)



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Correction...did NOT run a transcript.

-----Original Message-----

From: Brian P. Hale

Sent: Wednesday, September 21, 2016 12:21 PM

To: 'Stroh, Mark E. EOP/NSC' <Mark\_E\_Stroh@nsc.eop.gov>; DNI-Media <DNI-Media@dni.gov>

Cc: 'Price, Ned C. EOP/NSC' <Edward\_C\_Price@nsc.eop.gov>

Subject: RE: DNI Clapper at Washington Post Event

The Post did run a transcript, but we have a rough C-SPAN version and it is consistent with what I stated below.

<https://www.c-span.org/video/?415577-1/national-intelligence-director-james-clapper-discusses-national-security-threats>

IGNATIUS: IT'S BEEN WIDELY REPORTED THAT THE FBI AND THE DEPARTMENT OF HOMELAND SECURITY ARE CONDUCTING AN INVESTIGATION OF RUSSIAN HACKING, NOT SIMPLY THE COLLECTION OF INFORMATION BY RUSSIANS, BUT THE DISSEMINATION OF THAT INFORMATION, COLLECTION OF

INFORMATION BY RUSSIANS, BUT THE DISSEMINATION OF THAT INFORMATION, THE WEAPONIZATION OF IT, IF YOU WILL, FOR DIRECT ACTION PURPOSES TO DESTABILIZE. AND I'D ASK YOU TO SPEAK ABOUT THAT PROBLEM AND HELP ALL OF US GET A SENSE OF WHAT WE KNOW, HOW WE SHOULD THINK ABOUT IT, WHAT THE DANGERS ARE, AND WHAT WE SHOULD DO ABOUT IT.

CLAPPER: WELL, FIRST OF ALL, THERE'S ACTUALLY A LONG HISTORY OF THE RUSSIANS TRYING TO INTERFERE OR INFLUENCE ELECTIONS GOING BACK TO THE 60s IN THE HEYDAY OF THE COLD WAR. THE COLD WAR. THERE HAVE BEEN SEVERAL DOCUMENTED CASES OF PREVIOUS ELECTIONS WHERE IT APPEARED THAT THEY WERE TRYING TO SOMEHOW INFLUENCE THE ELECTION. IN THE U.S. IN THE UNITED STATES. OF COURSE, THERE'S A HISTORY THERE -- THERE'S A TRADITION IN RUSSIA OF INTERFERING WITH ELECTIONS, THEIR OWN AND OTHERS. IT SHOULDN'T COME AS A BIG SHOCK TO PEOPLE. AND OTHERS. IT SHOULDN'T COME AS A BIG SHOCK TO PEOPLE. I THINK IT'S MORE DRAMATIC MAYBE BECAUSE NOW THEY HAVE CYBER TOOLS THEY CAN BRING TO BEAR IN THIS SAME EFFORT. IT'S STILL GOING ON, BUT I WILL SAY THAT IT'S PROBABLY NOT REAL, REAL CLEAR WHETHER THERE'S INFLUENCE IN TERMS OF OUTCOME OR -- WHAT I WORRY ABOUT MORE FRANKLY IS SEWING SEEDS OF DOUBT, WHERE DOUBT IS CAST ON THE WHOLE PROCESS. WHAT ARE WE DOING ABOUT IT? CERTAINLY AT DHS, SECRETARY JAY JOHNSON HAS BEEN ACTIVE WITH STATE OFFICIALS TO SECURE WHERE APPROPRIATE, PARTICULARLY IF THERE'S ANY DEPENDENCE ON THE INTERNET IN THE COURSE OF CONDUCT OF AN ELECTION. WE HAVE A STRENGTH HERE IN THAT WE DON'T HAVE A CENTRALIZED ELECTORAL SYSTEM. IT IS VERY DECENTRALIZED AMONG THE STATES, SO THAT WORKS TO OUR ADVANTAGE. THAT'S A REAL MONUMENTAL UNDERTAKING TO AFFECT THE ELECTION NATIONALLY. THE MORE LIKELY OBJECTIVE WOULD BE TO TRY TO SOW SEEDS OF DOUBT ABOUT THE EFFICACY AND VIABILITY, IF I CAN USE THAT WORD WORD WORD, OF THE WORLD SYSTEM.

-----Original Message-----

From: Brian P. Hale

Sent: Wednesday, September 21, 2016 9:42 AM

To: 'Stroh, Mark E. EOP/NSC' <Mark\_E\_Stroh@nsc.eop.gov>; DNI-Media <DNI-Media@dni.gov>

Cc: Price, Ned C. EOP/NSC <Edward\_C\_Price@nsc.eop.gov>

Subject: RE: DNI Clapper at Washington Post Event

We will see if the The Post ran a transcript and share it. The headline writer did take liberties.

When Ignatius asked the question, the DNI started talking about historical Russian interference in elections. He never directly attributed any recent election hack to the Russians, but he also did not do what he has in the past when asked this question which is add in a caveat saying, "I am not discussing any specific case here, but..."

-----Original Message-----

From: Stroh, Mark E. EOP/NSC [mailto:Mark\_E\_Stroh@nsc.eop.gov]

Sent: Wednesday, September 21, 2016 9:19 AM

To: DNI-Media <DNI-Media@dni.gov>

Cc: Price, Ned C. EOP/NSC <Edward\_C\_Price@nsc.eop.gov>

Subject: DNI Clapper at Washington Post Event

Colleagues,

Any chance you have a transcript of the Director's event last night? Getting some churn here around comments he made on Russia and the election hacks, as reflected in the below WSJ piece.

This looks to me like it could be a headline writer taking liberties with what was actually said but hard to know for sure without more visibility into Clapper's comments.

Thanks,

Mark

<http://www.wsj.com/articles/u-s-intelligence-chief-suggests-russia-was-behind-election-linked-hacks-1474416647>

U.S. Intelligence Chief Suggests Russia Was Behind Election-Linked Hacks James Clapper's comments were his most explicit to date about operation that stole Democratic Party records By DAMIAN PALETTA Sept. 20, 2016 8:10 p.m. ET

WASHINGTON-U.S. Director of National Intelligence James Clapper suggested Russia was behind a recent computer hacking operation that stole records from the Democratic Party and then leaked thousands of documents online.

Mr. Clapper, speaking Tuesday evening at an event hosted by the Washington Post, said Russia has been conducting similar exercises since the 1960s targeting the U.S.

"It shouldn't come as a big shock to people," Mr. Clapper said. "I think it's more dramatic maybe because now they have the cyber tools."

A spokesman for the Russian embassy in Washington didn't immediately respond to a request for comment.

Mr. Clapper's comments were his most explicit to date connecting Russia to the hacking operation, which is believed to have been conducted over more than a year. Three internet outlets have leaked some of the stolen files since April, with some of the files proving embarrassing enough that their disclosure prompted the resignations of several top Democratic Party officials.

Democratic presidential candidate Hillary Clinton has accused Russia of conducting the cyberattack operation, but her rival, Republican nominee Donald Trump, has said it is unclear who was behind the computer theft.

Russian officials have denied involvement in the hacks, though President Vladimir Putin has said the dissemination of the stolen records was a public service.

Mr. Clapper in recent weeks has declined to weigh in on Russia's possible involvement, citing an investigation by the Federal Bureau of Investigation and intelligence officials. On Tuesday night, however, he spoke of Russia's alleged involvement more openly.

"There's a tradition in Russia of interfering with elections, their own and others," Mr. Clapper said.

It is still unclear what Russia is trying to accomplish by leaking the stolen records online, he said.

"It's probably not real, real clear whether there's influence in terms of an outcome [of the November U.S. elections] or what I worry about more--frankly --is just the sowing the seeds of doubt, where doubt is cast on the whole [election] process," Mr. Clapper said.

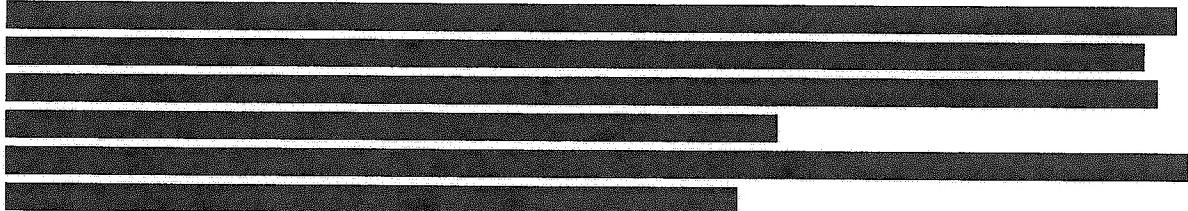
The FBI investigation is probing the computer hacks and leaks as well as recent attempted computer intrusions into the networks of state election systems in Arizona and Illinois.

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